(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.3204 of 2007

Petitioner	:	Champak Lal Patel, son of Meghnath Patel, aged about 40 years, Occupation: Assistant Grade-II, Janpad Panchayat Bagbahra District - Mahasamund (C.G.)

Versus

Respondents	1.	State of Chhattisgarh, Through: Secretary, Panchayat, Raipur, Distt. Raipur (C.G.)
	2.	Chief Executive Officer, District Panchayat Mahasamund, (C.G.)
	3.	Chief Executive Officer, janpad Panchayat, Bagbahra, District - Mahasamund (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri Sunil Sahu, counsel for the petitioner.
Shri Sushil Dubey, Govt. Advocate for the State.

ORDER
(Passed on 11th June, 2007)

The petitioner while working as Assistant Grade II of Janpad Panchayat Bagbahra, District - Mahasamund was placed under suspension by order dated 27.04.2007 (Annexure P-2) for certain irregularities, as stated in the impugned order itself. The petitioner without availing alternative remedy of appeal as provided under Section 15 of Chhattisgarh Panchayat Service (Discipline & Appeal) Rules, 1999 has approached this Court without assigning any reason to justify inference by this Court under Article 227 of the Constitution of India. Section 15 of Chhattisgarh Panchayat Service (Discipline & Appeal) Rules, 1999 reads as under:

> **"Appeals against order of suspension or orders imposing penalties.** (1) A member of the Panchayat Service may appeal against an order of suspension or an order imposing any penalty on him to the authority specified as appellate authority in the Appendix appended to these rules within a period of 90 (ninety) days from the date on which he receives the order:
>
> Provided that the appellate authority may entertain an appeal after expiry of the said period if it is satisfied that the appellant has had sufficient cause for not submitting the appeal in time.
>
> (2) Every person submitting an appeal shall do so separately and in his own name.
>
> (3) The appeal shall be addressed to the authority competent to hear appeals and shall contain a material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language. A copy of the order appealed against shall invariably be enclosed with the Appeal.
>
> (4) A copy of appeal shall also be sent to the disciplinary authority, against whose order appeal is preferred. "

Thus, this petition in presence of availability of alternative efficacious statutory remedy is not maintainable and the same is accordingly dismissed. However, the petitioner is at liberty if so

(23)

advised, to take recourse to alternative remedy that may be available to him. This order shall not come in the way of decision making by the statutory authorities, as provided under the Rules.

Sd/-
Satish K. Agnihotri
Judge

Indu